



Births, Deaths and Marriages Registration Amendment Bill 2007

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Extract from NSW Legislative Assembly Hansard and Papers Wednesday 30 May 2007.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2007

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Bill introduced on motion by Mr Barry Collier, on behalf of Mr David Campbell.

Agreement in Principle

Mr BARRY COLLIER (Miranda) [10.33 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

The Births, Deaths and Marriages Registration Amendment Bill provides for amendments to the Births, Deaths and Marriages Registration Act 1995, an Act which established a civil system for the registration of births, deaths, marriages, changes of name and changes of sex in New South Wales. The Act also regulates the keeping of registers for the recording of such information, access to the information in the registers, and the issue of certified information from the registers. Historically, the New South Wales Act has been the model legislation for other jurisdictions. State and Territory registrars of births, deaths and marriages coordinate their policies and procedures through the Council of Australasian Registrars. This aims to ensure that a consistent approach to registration is maintained throughout Australia.

The New South Wales Registrar is currently the chair of the Council of Australasian Registrars. It has been several years since the Act was introduced. In those years there have been major developments in a number of areas, which this bill aims to address. I refer, first, to the aim of maintaining the integrity of the register. Item [1] of schedule 1 to the bill creates a new function of the registrar under section 6 to maintain the integrity of the registrar and to endeavour to prevent identity fraud associated with the register and documents issued from the registrar. This recognises the registrar's important role in identity security and identity management. The registrar administers the registers from which key proof of identity documents, such as birth and marriage certificates are issued. The amendment recognises the increased risk of identity-related crime in recent years and is consistent with Australia's efforts to develop a national identity security strategy. The development of a national identity security strategy is an initiative of the Council of Australian Governments and is being led by the Commonwealth Government in close consultation with the States and Territories. New South Wales is actively participating in the development of measures to combat identity fraud and better manage identity security risk. At the State level the Attorney General's Department chairs an interdepartmental working group that meets regularly to discuss matters relevant to identity security and identity management. The Registrar of Births, Deaths and Marriages is a key member of this working group. The amendment will require the registrar to continue

implementing and improving operational policies and systems preventing the information on the register from being used fraudulently.

Item [2] of schedule 1 to the bill amends section 12, reducing the period within which responsible persons—meaning hospitals, midwives and attending doctors—must notify the Registry of Births, Deaths and Marriages of a live birth from 21 days to 7 days. The reduction of the notification period will improve the reporting of births in New South Wales and, therefore, improve the accuracy and completeness of the registry's birth information. This amendment implements the Coroner's recommendation following the inquest into the disappearance of baby Tegan Lane, that is, that the Government introduce legislation to place greater responsibility on hospitals and midwives to report births to the registry. The amendment will also make the New South Wales time frame for reporting births more consistent with other jurisdictions' notification time frames. NSW Health, the Australian Private Hospitals Association, Catholic Health Australia Incorporated and the Australian Society of Independent Midwives have been consulted on the shorter notification period. These organisations have indicated that they will cooperate with the registry to implement the operational changes necessary to comply with the reduced reporting time frame.

The registry is currently working with these bodies to implement an electronic notification system. The registry has been working with midwives associations, private hospital associations and NSW Health to improve the timeliness and the quality of birth reporting across New South Wales. For example, the registry is piloting a new electronic interface for birth notifications within the Prince of Wales Hospital at Randwick. The web interface is currently being rolled out to private midwives and other private hospitals. Work is also under way with NSW Health to improve the quality of data the registry receives from public hospitals. Public and private hospitals will need to make changes to their information technology systems in order to comply with the shorter reporting time frame. To allow adequate time for implementation, the Government proposes to commence item [2] by proclamation. The remainder of the bill will commence on assent.

Item [8] of schedule 1 to the bill makes it clear that the shorter notification time frame will apply only to births occurring after the commencement of the proposed amendment. Items [3] and [4] of schedule 1 to the bill amend section 28 to provide that a child's primary care giver, rather than the child's guardian, may apply for registration of a change of the child's name. The meaning of "primary care giver" is based on the definition in section 1 of the Children and Young Persons (Care and Protection) Act 1988. "Primary care giver", in relation to a child or young person, means each person who is primarily responsible for the care and control, including the day-to-day care and control, of the child or young person, whether or not that person is the person with parental responsibility or care responsibility for the child or young person. This amendment is needed because the term "guardian" is not defined in the Act and is outdated in the context of children. By creating consistency with the terms used in child protection legislation, it will be clear who can apply for a change to a child's name.

Item [5] of schedule 1 to the bill inserts a new section 55A to clarify the registrar's ability to collect and maintain separate records of information relating to registerable information. It allows the registrar to provide additional services in relation to that information and other information in the register, such as the provision of historical and genealogical information. The registrar might also, for

example, record the location of wills and issue certificates in relation to the location of wills. A charge for such additional services may be determined by the registrar or might be fixed or determined in accordance with the regulations. The amendments proposed in this bill will improve the New South Wales civil registration system and ensure it continues to meet the needs of our community. I commend the bill to the House.